

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:07CR413</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
	)	
<b>JASIN E. GONZALEZ,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Report and Recommendation (Filing No. 42) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's amended motion to suppress (Filing No. 29). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant<sup>1</sup> is charged in a four-count Indictment with: possession of hydrocodone with intent to deliver (Count I); being a felon in possession of a firearm (Count II); and criminal forfeiture (Counts III and IV). He seeks an order suppressing evidence seized and statements made as a result of his September 4, 2007, encounter with law enforcement. Judge Gossett determined: Officer Bargstadt is credible; the traffic stop was based on two minor traffic violations that served as probable cause for the stop; the detention for further investigation of the traffic stop was reasonable; reasonable suspicion justified the expansion of the traffic stop to include the use of the canine; the canine's alert provided probable cause for a search of the vehicle; a search of any compartment was

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<sup>1</sup>The Court was notified by a Court staff member that the Defendant is deceased. However, the Court has received neither an official notification of the Defendant's death nor a motion to dismiss the case.

justified; and the doctrine of fruit of the poisonous tree does not apply in this case since there was no “poisoned fruit.”

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge’s Report and Recommendation (Filing No. 42) is adopted in its entirety; and
2. The Defendant’s amended motion to suppress (Filing No. 29) is denied.

DATED this 14<sup>th</sup> day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge